

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AARON T. JONES,	:
Plaintiff	:
v.	:Case No. 3:10-cv-219-TFM-KAP
SECRETARY BEARD, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 5, 2010, docket no. 3, recommending that the complaint be dismissed on two alternative grounds: 1) plaintiff's failure to prosecute, based on plaintiff's failure to remedy defects identified by Magistrate Judge Hay, see docket no. 2; and 2) Rule 42(a), based on the overlap of this case and the complaint at Jones v. Vinsinski, Case No. 3:10-cv-196-TFM-KAP (W.D.Pa.).

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to serve and file written objections to the Report and Recommendation. The plaintiff filed timely objections, docket no. 4, but they are meritless.

After de novo review of the record of this matter together with the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 17th day of December 2010, it is

ORDERED that the plaintiff's complaint is dismissed without prejudice. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

S/Terrence F. McVerry
TERRENCE F. McVERRY,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

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